

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHUKWUMA E. AZUBUKO,

Plaintiff,

-v.-

5:08-CV-69
(NPM)(GJD)

UNKNOWN BOSTON POLICE OFFICERS, et al.,

Defendants.

CHUKWUMA E. AZUBUKO,

Plaintiff,

-v.-

5:08-CV-75
(NPM)(GJD)

JUDGE SUE ROBINSON, et al.,

Defendants.

CHUKWUMA E. AZUBUKO,

Plaintiff,

-v.-

5:08-CV-330
(NPM)(GJD)

JUDGES OF THE UNITED STATES
DISTRICT COURT, District of Massachusetts,

Defendants.

CHUKWUMA E. AZUBUKO,

Plaintiff,

-v.-

5:08-CV-331
(NPM)(GJD)

RICHARD W. STORY,

Defendant.

CHUKWUMA E. AZUBUKO
Plaintiff, *pro se*

NEAL P. McCURN, SENIOR U.S. DISTRICT JUDGE

BAR ORDER

On February 14, 2008, this court gave plaintiff until March 15, 2008 to show cause *in writing* why he should not be enjoined from any further filings in the Northern District of New York without leave of court. *See Azubuko v. Unknown Boston Police Officers*, 5:08-CV-69 and *Azubuko v. Robinson*, 5:08-CV-75 (Dkt. No. 4)(both cases). Plaintiff filed a notice of appeal in *Azubuko v. Unknown Boston Police Officers*. (08-CV-69)(Dkt. No. 6). Plaintiff then filed the above-captioned actions, which this court in a separate order has dismissed after a finding that they are *both frivolous and malicious*.

Notwithstanding this court's February 14, 2008 order to show cause, plaintiff has failed to submit any justification for why he should not be enjoined from further filing in the Northern District of New York. The court would point out that plaintiff's appeal in 08-CV-69 would not excuse him from complying with this court's order. *See Maness v. Meyers*, 419 U.S. 449, 458 (1975)(If a person to whom a court directs an order believes that the order is erroneous, the remedy is to appeal, but absent a stay, he must comply promptly with the order pending appeal.); *McDonald v. Head Criminal Court Supervisor Officer*, 850 F.2d 121, 124 (2d Cir. 1988).

Since plaintiff has not appealed 08-CV-75, he certainly would not have been excused from submitting the appropriate document. Plaintiff did not ask for any stay of this court's order to show cause why he should not be enjoined from filing in this district, thus, he has failed to respond. Instead, plaintiff filed the above-captioned frivolous and malicious cases. Plaintiff, having failed to respond to the court's

February 14, 2008 Order, and having instead continued his abusive litigation practices, it is

ORDERED, that pursuant to 28 U.S.C. § 1651(a), plaintiff is enjoined from filing any document or pleading of any kind with this court as a *pro se* plaintiff, except in pending litigation, unless plaintiff (1) seeks leave of the court granting plaintiff written permission to file the document or pleading, and (2) a Judge of this court grants plaintiff leave to file, and it is

ORDERED, that the plaintiff shall include with any proposed filing that he undertakes as a *pro se* plaintiff, except in pending litigation, a certification taken under oath stating (1) the complaint is not frivolous or vexatious, (2) all claims presented have never been raised and disposed of on the merits in this or any other court, (3) all facts alleged in the complaint are believed by plaintiff to be true, and (4) plaintiff has no knowledge or belief that any of his claims are foreclosed by controlling law, and it is

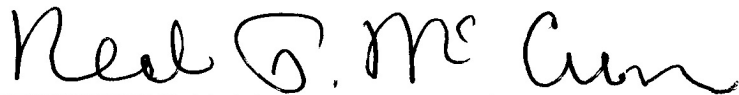
ORDERED, that the Clerk of the Court *shall not accept for filing* any document or pleading of any kind submitted by, or on behalf of, plaintiff in his capacity as a *pro se* plaintiff, except (1) in pending litigation, (2) where a Judge of this court has first directed that the document or pleading be filed, or (3) papers to appeal this order or to notify the court of appellate action, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail, and it is further

ORDERED, that the Clerk file a copy of this Order in 5:07-CV-1327, 5:08-CV-69, 5:08-CV-75, 5:08-CV-330 and 5:08-CV-331.

Dated: April 16, 2008

Syracuse, New York

A handwritten signature in black ink, reading "Neal P. McCurn". The signature is written in a cursive style with a horizontal line underneath the name.

Neal P. McCurn
Senior U.S. District Judge